

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of  
  
Broadcast Localism

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MB Docket No. 04-233

To: The Commission

**COMMENTS OF UNIVISION COMMUNICATIONS INC.**

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## **SUMMARY**

Univision Communications Inc. (“Univision”) herein responds to the Commission’s Notice of Inquiry, and welcomes the opportunity to discuss the many ways in which broadcast stations, and in particular, Univision’s stations, serve the public interest and their local communities. The Univision stations have a long tradition of working to discern and meet the needs and interests of their local communities, and readily acknowledge the ample benefits that local broadcasting brings to America. However, it would be the very antithesis of localism for the Commission to attempt to establish by regulation a national agenda of what each local community needs.

While urging one national standard to replace thousands of local decisions about the needs of particular communities is absurd on its face, it is also unrealistic. Local broadcasters spend each and every day attempting to divine the needs of their individual communities, and the Commission, no matter how good its intentions, is in a poor position to make that judgment from a distance for the tens of thousands of American communities, much less to formulate a “one size fits all” standard of suitable local broadcast service. It is the diverse and far-ranging local efforts by Univision stations described herein, each adapted to the needs of that station’s particular community, that have for many decades made these and local broadcast stations like them a respected community resource. Efforts to “enforce” such behavior through regulation are doomed to failure, as the most valuable service a broadcaster can provide its community—being a good community citizen and having an intimate connection to every aspect of the community—are beyond the ability of any regulation to achieve. More importantly, efforts to create such behavior by regulation can serve only to restrict a broadcaster’s flexibility to meet

the needs of its particular community, while draining resources from productive community-enhancement efforts designed specifically for that local community.

Univision therefore urges the Commission to retain its current regulatory model, as it has served the public well, allowing broadcast stations the flexibility to discern and respond to the needs and interests of their particular community. Attempting to disrupt a system of broadcast localism that is working quite well by seeking to impose a “national standard of localism”—an oxymoron to say the least—is a bad solution in search of a non-existent problem.

## **TABLE OF CONTENTS**

BACKGROUND .....	2
DISCUSSION .....	3
I. Additional Regulatory Burdens Are Unnecessary, as Univision Stations Already Have an Effective Dialogue with Local Residents, Government, and Civic Groups to Determine the Needs and Interests of Their Communities .....	3
II. Depriving Stations of the Flexibility to Air Programming Responsive to Their Community’s Specific Needs and Interests By Having the Federal Government Mandate the Types and Amounts of Programming It Deems Appropriate for All Communities Is the Antithesis of Localism.....	6
A. Mandatory Programming Edicts Are Unnecessary to Serve the Public Interest .....	6
1. Local news .....	8
2. Public Affairs Programming .....	10
3. Political Programming .....	11
4. Public Service Announcements .....	13
5. Weather and Emergency Information .....	15
6. Promotion of Local Talent .....	17
7. Non-Programming Efforts and Community Outreach.....	18
B. Mandatory Programming Edicts Are Harmful to the Public Interest, as They Limit a Station’s Ability to Serve the Actual Needs of Its Community in Favor of a Federal Government “One Size Fits All” Approach That Actually Fits None .....	20

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Univision Communications Inc. (“Univision”), by its counsel, hereby submits its Comments in the above-captioned proceeding in response to the Commission’s Notice of Inquiry. *Broadcast Localism*, Notice of Inquiry, 19 FCC Rcd 12425 (2004) (“NOI”). Univision welcomes the opportunity to detail its extensive efforts to serve its local communities as well as its overarching commitment to localism. Broadcasters’ dedication to localism is both expansive and deep, resulting in exceptional efforts to meet the needs and interests of the public. Univision stations in particular have a long tradition of working to discern and meet the needs and interests of their local communities. Accordingly, Univision acknowledges the ample benefits that local broadcasting brings to America, but notes that it would be the very antithesis of localism for the Commission to establish by regulatory fiat a national agenda of what each local community needs.

While urging one national standard to replace thousands of local decisions about the needs of particular communities is absurd on its face, it is also unrealistic. Local broadcasters spend each and every day attempting to divine the needs of their individual communities, and the Commission, no matter how good its intentions, is in a poor position to make that judgment from

a distance for the tens of thousands of American communities, much less to formulate a “one size fits all” standard of suitable local broadcast service.

As the NOI appears to recognize, there is absolutely no evidence to suggest that broadcasters are not currently meeting their public interest obligations or are failing to serve their local communities. Conversely, there is ample and overwhelming factual support herein and elsewhere for the proposition that broadcasters serve their local communities exceptionally well.<sup>1</sup> With regard to Univision itself, these Comments provide compelling evidence of the myriad ways that Univision serves its local communities through programming and non-programming efforts that would hardly fit into any traditional regulatory formula. While there will always be those who want broadcasters to do more of a specific activity that the critic personally favors, the public interest record and community involvement of broadcasters, and Univision in particular, is excellent, and the proponents of additional “localism” regulations are urging a solution for which there is no underlying problem to be solved.

### **BACKGROUND**

For over forty years, Univision and its predecessors have worked tirelessly to serve the needs and interests of its listeners and viewers. Since its inception, Univision has been a leader in providing news, information, sports, and entertainment programming to the sizable, and growing, Hispanic population in the United States—a population that now ranks as the largest minority group in the country. In fact, the Univision station in San Antonio, Texas, KWEX-TV,

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<sup>1</sup> According to a survey commissioned by Consumers Union and the Consumers Federation of America conducted on October 19-20, 2004, 77% of survey respondents said that their local TV stations did a “good” or “very good job” of “producing or airing programs that serve the needs of your community.” *Available* at <http://www.consumersunion.org/pub/campaignmedia/001453.html> (last visited October 21, 2004).

holds the distinction of being the oldest Spanish-formatted television station in the United States, having begun operations with a Spanish format in 1954.

Univision's unrelenting efforts to provide service to its viewers and their local communities have resulted in an explosion in the quality and volume of programming aimed at serving Hispanic audiences and have helped to increase the advertising revenue spent on, and thus the viability of, Spanish-formatted stations. Through both their national and local programming, community outreach efforts, and delivery of emergency information, Univision stations provide a free, universally available, and readily accessible source of information that non-broadcast media cannot match. Univision stations enjoy a close and cordial relationship with the civic, cultural, municipal, and political institutions in their markets, and have become integral parts of their communities. This in turn provides a competitive spur to other broadcasters to be equally attentive to their local viewers or risk becoming irrelevant to them. That continuing competition has led to a diversity of programming and public service efforts adapted to the specific needs of each community that could not be achieved in the long-gone days when the Commission's regulations attempted to dictate the specific types of programming it believed local communities needed.

## **DISCUSSION**

### **I. ADDITIONAL REGULATORY BURDENS ARE UNNECESSARY, AS UNIVISION STATIONS ALREADY HAVE AN EFFECTIVE DIALOGUE WITH LOCAL RESIDENTS, GOVERNMENT, AND CIVIC GROUPS TO DETERMINE THE NEEDS AND INTERESTS OF THEIR COMMUNITIES**

Univision stations view themselves as an integral part of their communities, and as such, strive to air programming that is both relevant and useful to local viewers and listeners. To ensure that Univision stations stay current with, and understand thoroughly, their community's concerns, the stations talk to community leaders and members of the public on a continual basis.

Although the FCC eliminated its formal ascertainment requirements for stations in the early 1980s,<sup>2</sup> Univision television stations continue to conduct formal ascertainment interviews with community leaders and everyday residents. The stations then take the feedback from these interviews, as well as input from other sources, into consideration when making programming decisions for the station. Each Univision station values the relationship it has with its community, which is made possible only by providing the local information and assistance that viewers and listeners expect from their local broadcast stations.

An example of these efforts is Univision station WGBO-TV, Joliet, Illinois, which has conducted between sixty and one-hundred formal ascertainment interviews each year since being acquired by Univision in 1995. Among the community leaders with whom the station most recently conducted ascertainments are two U.S. Congressmen, several CEOs, a firefighter, a school principal, and the regional director of the American Cancer Society. Similarly, WLTV(TV) in Miami conducted formal ascertainments with more than two hundred local leaders and residents in just the past year.

KUVS-TV, Modesto, California, has gone a step further, establishing a toll-free number for viewers to contact the station directly with programming comments and issues affecting the community. KCOR(AM), San Antonio, Texas, provides an e-mail and phone number during its public affairs programming that allows listeners to contact the station and communicate with station personnel about issues of importance to the community. KHOT-FM, Paradise Valley,

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<sup>2</sup> *Revision of Programming & Commercialization Policies, Ascertainment Requirements, & Program Log Requirements for Commercial Television Stations*, 98 FCC 2d 1076 (1984), *recon. denied*, 104 FCC 2d 358 (1986). In eliminating the requirement that television stations conduct formal ascertainments, the Commission stated: “Moreover, we believe that licensees become and remain aware of the important issues and interests in their communities for reasons wholly independent of ascertainment requirements, and that our existing procedures are, therefore, neither necessary nor, in view of their significant costs, appropriate.” *Id.* at ¶ 48.

Arizona participates in a “town hall” meeting with local community leaders and other local stations where a range of local issues are raised and discussed. Through this variety of avenues, Univision stations across the country stay connected with the civic, cultural, and political leaders and events of their communities, as well as with the everyday concerns, needs, and interests of their viewers and listeners.

Given the number and breadth of competing broadcast stations, cable channels, satellite radio channels, print media, movies, and internet resources, Univision’s local stations must continually strive to remain relevant and responsive to the lives and interests of their audience members and the communities in which they reside. A deep local connection is a competitive advantage that purely national media cannot match. Accordingly, Univision stations relentlessly seek local input and adapt their programming and non-programming efforts accordingly. Stations must be allowed the flexibility to determine how best to serve their communities and how best to ascertain their community’s needs and interests.

Rigid ascertainment requirements or periodic compliance disclosure forms quantifying the Commission’s preferred types and amounts of community-responsive programming have the danger of becoming an end in and of themselves, generating little or no useful input for the stations while draining precious resources that could be spent on programming, community events, or more productive methods of ascertaining local community needs and interests. As the NOI correctly notes, the Commission disposed of formal ascertainments twenty years ago based on its conclusion that such formal requirements were unnecessary and counterproductive.<sup>3</sup> Increased broadcast competition since then can only strengthen that conclusion. While Univision itself has found formal ascertainment interviews to be very useful in certain

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<sup>3</sup> NOI at 4.

circumstances, there are countless alternative approaches that may be better suited to a particular community or station. At any rate, viewers already have ample means of communicating with their local stations, including calling, writing, e-mailing, or simplest of all, changing the channel to one of the numerous competing sources of local news and entertainment available to viewers and listeners.

While the NOI suggests possible mandatory activities to ensure stations are responsive to community needs, many small market stations do not have the wherewithal to support a vibrant community website or to conduct online discussions about public affairs, particularly if there are far more effective, and cost-effective, ways of discerning the needs of their communities. It would be a sad event if all stations, regardless of individual circumstances or the nature of their communities, had to expend their resources meeting the specific prongs of a nationally imposed ascertainment program requirement, leaving them with neither the funds nor personnel to create the local community programming that is the ultimate goal of any ascertainment effort.

## **II. DEPRIVING STATIONS OF THE FLEXIBILITY TO AIR PROGRAMMING RESPONSIVE TO THEIR COMMUNITY’S SPECIFIC NEEDS AND INTERESTS BY HAVING THE FEDERAL GOVERNMENT MANDATE THE TYPES AND AMOUNTS OF PROGRAMMING IT DEEMS APPROPRIATE FOR ALL COMMUNITIES IS THE ANTITHESIS OF LOCALISM**

### **A. Mandatory Programming Edicts Are Unnecessary to Serve the Public Interest**

The Communications Act of 1934 requires that broadcasters serve the “public interest, convenience, and necessity.”<sup>4</sup> Recognizing the amorphous nature of this concept, as well as the protections granted by the First Amendment, the Commission has afforded broadcasters the

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<sup>4</sup> 47 U.S.C. § 309(k).

latitude to determine how best to serve their communities, and in doing so, to serve the public interest.

Given the endless variations between markets, stations, communities, audiences, and individuals, there is no single “right way” to serve the public interest and no easy way to quantify whether a station has accomplished that goal. The NOI notes that the Commission no longer regulates the types or amounts of programming that stations must air, and relies instead on marketplace forces and the regulatory obligation that stations carry programming responsive to issues of interest to the community to ensure that stations serve the public interest.<sup>5</sup> These factors, coupled with a license renewal process that allows communities to express their concerns and criticisms of a local station’s performance, have been more than adequate to ensure that broadcasters meet their obligations.

Since the early 1980s, when the Commission eliminated its programming guidelines, the marketplace for audio and video programming has expanded exponentially with the growth of cable television, satellite television, satellite radio, and the Internet, among other media. These technologies have vastly expanded the news and entertainment offerings available to audiences, as well as increased the pressure on broadcast stations to remain relevant to their communities. Is there anyone who doubts that the growth of national satellite radio and television services has spurred local radio and television stations to focus even greater attention on their major competitive advantage – a local connection to the community? Or that matching the local programming efforts of a competing station across town will be necessary to compete in the community?

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<sup>5</sup> NOI at 6.

By providing a variety of local and national news, entertainment, sports, and community affairs programming, Univision stations have worked successfully to serve the needs and interests of their listeners and viewers. Univision stations view themselves as serving a vital role in the life of the communities they serve, and take their public interest responsibilities very seriously. Thus, in response to the programming questions raised by the NOI, Univision asserts that additional Commission action is unnecessary to ensure that broadcasters air programming that serves their community's needs and interests, and would in fact be counterproductive, by replacing local standards with a national standard. Any station that fails to adequately serve their community will quickly be replaced by local media that do provide such service.

Because each station and every community is different, national "service formulas" are harmful to localism and ultimately irrelevant to the actual needs and interests of a local community. In the absence of such regulations since the early 1980s, broadcast television, and particularly UHF broadcast television, has blossomed, bringing a far greater variety of responsive programming and far greater competitive pressures to produce more. In this fertile environment, the Univision stations have been able to adapt and grow with their local Hispanic communities, providing both traditional and novel approaches to community service. Examples of just some of these approaches are discussed below.

### **1. Local news**

One of the most traditional ways that Univision stations provide programming relevant to the needs and interests of their viewers is by producing and broadcasting local news. Over the last year, KMEX-TV, Los Angeles, California and WXTV(TV), Paterson, New Jersey (located in the New York market), in addition to twenty-eight hours per week of national news programming, aired an average of seventeen hours per week of local news programming, including a local morning, evening, and 11:00 P.M. newscast.

On the radio side, stations such as WRTO(AM) Chicago, Illinois, broadcast an hour long news program to inform the local community about the day's events and present news updates to Chicago listeners every hour from 5:00 A.M. to 5:00 P.M. KFLC(AM), Fort Worth, Texas, provides over three hours of news coverage throughout the day starting with two hours of news in the morning from 5:00-6:00 A.M. and 9:00-10:00 A.M. and updates throughout the afternoon.

While the economics of broadcasting obviously favor large news production budgets in the largest markets, Univision stations in smaller markets around the country also provide significant amounts of local news. For example, KUVS-TV, Modesto, California broadcasts twelve hours of local news a week. KAKW-TV, Killeen, Texas broadcasts five hours of local news per week. KGBT(AM), Harlingen, Texas broadcasts a half-hour local newscast every day at 5:30 P.M., and airs one to three minute newscasts every hour from 6:00 A.M. to 5:00 P.M. Clearly, if Univision believed one nationally-imposed approach to news worked best, this variety of approaches to local news in different communities would not exist.

Far more important than quantity, however, is the quality of news programming. Univision stations' local newscasts and news personnel have won numerous local, regional, and national awards. For example, *Noticias 34: Primera Edicion*, KMEX-TV's morning news program in Los Angeles, won the 2003 Emmy Award for Best Regularly Scheduled Daily Newscast Over Thirty-Five Minutes. WXTV's news coverage in the New York market has garnered numerous awards, being heralded as "exemplary" by the Speaker of the Council of the City of New York.<sup>6</sup> Univision station KDTV(TV) in San Francisco has been nominated for an Emmy Award for Best Newscast for each of the past five years, winning the award in 2001 and

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<sup>6</sup> Letter from Gifford Miller, Speaker, Council of the City of New York to Norma Morato, News Director of WXTV(TV) (May 22, 2003).

2004, and has won numerous Radio and Television News Director Association (“RTNDA”) awards over the same time span.

Of course, separate and apart from local news programming, affiliates of the Univision Network carry national network news, including Emmy award-winning evening newscast *Noticiero Univision* and *Noticiero Univision Ultima Hora*. These network news programs provide thorough and reliable information on breaking news and in-depth coverage of events and issues of particular interest to the Hispanic community. In addition, Univision Network programming includes nationally recognized newsmagazines, *Primer Impacto* and *Aquí y Ahora*. *Noticiero Univision* and *Primer Impacto* are the only Spanish-language network news programs ever honored with the Edward R. Murrow Award for best news series. Univision Network stations also carry the most-watched early morning news-variety program in Spanish-language television, *Despierta América*.

Thus, far from being the “vast wasteland” described by Newton Minow in 1961, current television and radio offerings provide a plethora of news and information that was unavailable to the public in the dark days of program regulation, and in a variety of languages as well. It is difficult to imagine how taking such a giant step backwards to those days would benefit anyone.

## **2. Public Affairs Programming**

Another approach taken by many Univision stations to serve their communities is producing and airing local public affairs programs that offer the public insight into the political, civic, and governmental affairs affecting their community. For example, KDTV(TV) in San Francisco airs *Encuentro en la Bahía*, a weekly half-hour public affairs program produced in the San Francisco market. The show, broadcast Saturdays at 10:30 A.M., offers a unique forum for community leaders to discuss information and viewpoints about community issues. WUVC-TV, Fayetteville, North Carolina, broadcasts *Enfoque Latino*, a weekly half-hour public affairs

program at 10 A.M. on Saturdays. KTNQ(AM) in Los Angeles airs an average of sixteen and a half hours of public affairs programming each week, and WADO(AM) in New York broadcasts *Primera Plana*, a one-hour long public affairs program, every day. KLVN(FM) in San Diego airs a weekly half-hour public affairs program entitled *De Viva Voz*, a program awarded the Mothers Against Drunk Driving National Award for Best Spanish Media Coverage on Drunk Driving Related Issues. *Contacto* is the weekly, half-hour public affairs program that airs on KISF(FM) in Las Vegas, which covers such issues as immigration, education, voting, and gambling awareness.

### **3. Political Programming**

Univision stations provide political news and information to their viewers in a variety of ways, including airing coverage of the Democratic and Republican national conventions, candidate debates, and issue forums involving national, state, and local elections and issues. Many Univision stations engage in voter forums and voter registration drives. Given Univision stations' large Hispanic audience, Univision stations tend to focus on issues that are of the greatest interest to the local Hispanic community. In this manner, Univision stations often highlight issues that may be overlooked by competing English-language stations, ensuring that the public is kept informed on the broadest possible variety of local issues. Through its news, public affairs programs, and special coverage of elections, recalls, and conventions, the Univision stations keep their communities informed about and engaged in political issues relevant to their lives.

The specific examples of this coverage are abundant. In the past year, KFTV in Hanford, California averaged nearly 110 political stories per month on its newscasts. These included national, state, and local issues and elections, such as the California recall and subsequent gubernatorial election, as well as local mayoral and city council issues. In addition, *Voz y Voto* is

a statewide political public affairs program that airs on numerous Univision stations throughout California. Guests on *Voz y Voto* have included California Governors Arnold Schwarzenegger and Gray Davis, California Lieutenant Governor Cruz Bustamante, Mexican President Vincente Fox, and Los Angeles Mayor Richard Riordan.

San Antonio station KWEX-TV airs a weekly half-hour public affairs program, *Es Tu Capitolio*, hosted by its news anchor and focused primarily on statewide political issues, while Vineland, New Jersey station WUVP-TV in the Philadelphia market interviewed presidential candidate John Kerry in a one-on-one interview during a recent campaign stop in Pennsylvania. Nor is Univision political coverage limited to its television stations. For example, radio station WQBA(AM) in Miami airs approximately 100 hours of political programming each year, including the weekly presidential radio address and the opposing party response.

In addition to political coverage on air, Univision stations are intimately involved in the local political process as community citizens. In 2004, KXLN-TV, Rosenberg, Texas, and the National Association of Latino Elected Officials (“NALEO”) sponsored a Voter Forum consisting of a town hall of registered voters from diverse backgrounds who were asked to identify their most pressing issues and concerns and to articulate the questions they would most like to ask the candidates. KXLN-TV and NALEO also sponsored a voter registration drive in August and September and a get out the vote/early voting effort in October, efforts similar to those conducted for the 2004 primaries and the 2003 mayoral election. New York station WADO(AM) and WCAA(FM) in Newark, New Jersey also sponsor a NALEO *Voces del Pueblo* Voter Forum and the Hispanic Federation's Register to Vote Outreach campaign, including a voter registration booth at WCAA(FM)'s Latino Mix *Al Concierto del Verano* which drew 200,000 in attendance.

The well-worn adage that “all politics is local” is certainly true, and Univision stations strive to present their local communities with the political information they need, as well as to serve as a catalyst for greater local participation by the public in the political process.

#### **4. Public Service Announcements**

Univision stations devote a significant portion of their advertising availabilities to airing public service announcements (“PSAs”) informing listeners and viewers about social and health issues, as well as local and national events. In fact, an independent study by the Kaiser Family Foundation determined that Univision airs the most PSAs of any national network, finding that Univision “tops all other networks at 48 seconds per hour.”<sup>7</sup> This represents a total of 134 minutes a week devoted to public service announcements. The study further found that Univision airs its PSAs during those times when its audience is largest, rather than late evening or early morning hours, with the average number of PSAs per hour actually increasing during prime time.<sup>8</sup>

Just as national advertisers have found thirty and sixty second spots to be the most effective way of delivering product information to consumers, PSAs are an equally effective way of informing viewers and listeners about important local issues and events, providing information that is highly relevant to their lives. One such example is Univision’s *Salud es Vida ... Enterate!* initiative designed to provide health information on maladies particularly prevalent in the Hispanic community, such as diabetes. Part of the campaign includes celebrity PSAs informing the public of symptoms to watch for and announcing where local residents can go for local health screenings and treatment.

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<sup>7</sup> “Public Service Advertising in a New Media Age,” Executive Summary, Kaiser Family Foundation (Feb. 2002) at 6.

<sup>8</sup> *Id.*

The very production and airing of PSAs also serves as an additional way for Univision stations to forge ties with local civic, municipal, and cultural groups and institutions in their communities. In creating and scheduling the airing of local PSAs, stations get to know local leaders and the needs and objectives of their local organizations, and are therefore in a better position to provide both programming and non-programming assistance to them.

As a result, many Univision stations have found the PSA to be one of the most effective tools for serving their local communities. For example, in the past year, KFTR-TV, Ontario, California (in the Los Angeles market) aired 5,077 PSAs. In 2002, Mayor Michael M. Bloomberg of New York commended Paterson, New Jersey station WXTV for its “dedication to public service” and “remarkable outreach about domestic violence to immigrant and resident Latino communities” through PSAs.<sup>9</sup> On July 21, 2003, U.S. Representative George Radanovich commended KFTV(TV) of Hanford, California on the floor of the U.S. House of Representatives for its “ongoing dedication to informing the 19th district of current and socially important issues that improve the lives of our constituents and our Nation” based on the station’s public service announcements.<sup>10</sup> KUVS-TV, Modesto, California, aired over 3,000 PSAs in the past year, of which over 1,000 were locally produced or locally oriented. In the same one year period, Univision’s television and radio stations in Miami cumulatively aired nearly 20,000 PSAs, over 80% of which were locally oriented.

In addition to specific issue-oriented and topical PSAs, many Univision stations produce and broadcast “Community Calendars.” For example, KDTV(TV) in San Francisco produces two thirty-second announcements each week featuring local events and programs sponsored by

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<sup>9</sup> Letter from Michael R. Bloomberg, Mayor, City of New York to Cristina Schwarz (Nov. 26, 2002).

<sup>10</sup> 149 CONG. REC. E1541 (daily ed. July 21, 2004) (statement of Rep. Radanovich).

non-profit organizations and then airs these announcements throughout the coming week. These Community Calendars inform viewers of upcoming meetings, events, and celebrations in the community, and are the modern equivalent of the town crier from colonial times – the source of community information.

## **5. Weather and Emergency Information**

Univision believes that one of the most critical ways in which a broadcaster serves its local community is by providing lifesaving emergency information during natural disasters and other local or national crises. In this regard, Univision's stations play as vital a role as any, providing breaking news and emergency information and keeping residents of the community informed of potentially life-threatening situations.

This critical public safety role was recently well demonstrated in Florida. WLTU(TV) in Miami, along with all other broadcast stations in the state of Florida, faced a particularly busy and destructive hurricane season this year. WLTU(TV) broadcast continuous hurricane coverage for 78 hours, providing viewers with information about the hurricane's path, local shelters, and hurricane preparedness. The station also produced two thirty-second hurricane relief public service announcements and initiated a telephone bank to inform viewers about where to receive assistance and how to contact disaster relief agencies. These efforts are not unusual, as WLTU(TV) also covered a number of other emergency situations this year, including alerting its viewers to the need to boil their tap water due to a water main break in the city of Hialeah; warning the public of high bacteria levels at a local beach; and providing breaking news coverage of brush fires throughout its viewing area while presenting important information to the numerous members of the community with respiratory ailments that could be affected by the fires.

In June 2004, the Sacramento-San Joaquin Delta levee broke and local Univision station KUVS-TV responded quickly to this disaster, which flooded 12,000 acres of farm land where many station viewers live and work. On the day of the break, KUVS-TV broadcast continuous coverage and provided emergency shelter, Red Cross, and road closure information. In the following days, KUVS-TV reported on the acres of crops lost, anticipated time line for levee repair, and the availability of state and federal aid for the hundreds of victims. Prior to this event, KUVS-TV also reported on an explosion at a gas distributor that filled the skies of Sacramento with black smoke, airing warnings and information on road closures, evacuation plans, and evacuation centers.

Univision station WUVC-TV in Fayetteville, North Carolina plays an important role in providing emergency information to a state susceptible to both hurricanes and winter storms. In just its first year as a Univision station, WUVC-TV broadcast over 1,100 non-EAS weather-related crawls and nearly two hundred live cut-ins. Its efforts during Hurricane Isabel in 2003 earned the station a personal thank you from the Governor of North Carolina, for its “invaluable role in keeping hundreds, maybe thousands, of both English and Spanish speaking people safe.”<sup>11</sup>

Such examples of Univision stations rising to the occasion in emergencies are plentiful. In August 2003, during the electrical blackout of the East Coast of the United States, WADO(AM) in New York provided uninterrupted news coverage for 36 hours, including critical safety information for listeners. KLVN(FM) in San Diego provided emergency information during the Cedar wildfires in October 2003, airing public safety announcements providing a local

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<sup>11</sup> Letter from Michael F. Easley, Governor, North Carolina, to Lizette Cruz-Watko, WUVC-TV (Nov. 17, 2003).

Spanish language telephone hotline that allowed listeners to obtain information about victims, shelters, local assistance, and how to contact FEMA and the Red Cross. The station was recognized by the American Red Cross for its efforts in educating the public during the Cedar Fires emergency.

Univision emphasizes that these efforts to keep the public informed during emergencies are not done to comply with any Commission regulation or guideline, but because it is the right thing to do as a member of the community, and broadcast stations can do it better than anyone else. No other local media is available for free to every single resident of the community, and no other media of any kind provides instantaneous access to such vital information whether you are in your car, at home, or even in an emergency shelter.

## **6. Promotion of Local Talent**

While piling in comparison to the importance of providing emergency information, stations also connect with their communities in other ways too numerous to mention. One such connection is working with local artists in relationships that are mutually beneficial to both the artist and the station. Univision stations promote deserving local artists through programs specifically dedicated to local artists, features in news programming, public affair programming, and even PSAs. While such efforts obviously tend to be more common in radio, KFTV(TV) in Hanford, California dedicates approximately thirty minutes per week to local artists. In the past year, the station broadcast one hundred and twenty performances by local artists.

On the radio side, the daily play list of WAMR-FM in Miami includes at least three local artists every day, and fifteen percent of the playlist of WRTO-FM, Goulds, Florida, is comprised of local talent. WQBA(AM) in Miami includes information in its newcasts about local artists and has a one-hour weekly show every Sunday, *Solo Para Mayores*, that is dedicated exclusively to the promotion of local artists, including singers, dancers, and painters. KLTN(FM) in

Houston provides a full hour of programming each week during which local talent from Houston is showcased. The station also invites local artists to participate in annual celebrations that it sponsors such as “Cinco de Mayo” and “Fiestas Patrias.” Similarly, WLTW(TV) in Miami sponsors the *Festival de Cine Hispano*, a film festival featuring critically acclaimed Latin-American movies. Numerous local filmmakers have made their debut at this festival.

## **7. Non-Programming Efforts and Community Outreach**

One of the most important ways in which broadcast stations serve their local communities is through non-programming efforts aimed at building a better community. Broadcast stations have the unique ability to serve their local communities through programming efforts, non-programming efforts, or a combination of the two, which can be the most effective of all. These efforts directly benefit the community while ensuring that the local station is attuned to what is going on in its community. By sponsoring community events, health fairs and job fairs, hosting safety awareness initiatives, and having station personnel make appearances at local activities, Univision stations seek to become involved in, and ultimately improve, the day-to-day lives of their viewers and listeners.

In the Dallas-Fort Worth area, KUVN-TV and the Dallas Independent School District (“DISD”) regularly partner to inform viewers and residents about “Back to School” issues. These efforts include airing PSAs during the summer announcing the first day of school, reminding parents to schedule vacations so as not to conflict with the start of the new school year, and announcing the Mayor of Dallas’s Back to School Fair. KUVN-TV sponsored the Back to School Fair, and aired news stories about it during the *Nuestra Vida* segment of its 10 P.M. newscast. In addition, DISD employees answered viewer questions during the *23 A Su Lado* portion of the 5 P.M. news, and an episode of KUVN’s thirty-minute public affairs program, *Reflejos de Nuestra Comunidad*, focused primarily on Back to School issues. The

station also aired two programs produced by DISD and a news story about the DISD-produced programs during the late newscast. KUVN also ran numerous on-air promos for all of the above-mentioned shows, stories, and events.

In Arizona, during the intense summer of 2003, KTVW-TV in Phoenix aired news reports and PSAs concerning the dangers of crossing the desert in extreme heat. It also provided extensive news coverage in April 2003 of *La Caminata de Libertad*—a seventy-six mile walk through the desert by community activists designed to bring attention to the increased number of deaths in the desert.

In Texas, responding to the frequency of local blood shortages in the Houston area, KXLN-TV, Rosenberg, Texas and KFTH-TV, Alvin, Texas, sponsor bi-annual blood drives. The blood drives are promoted through PSAs featuring the local news anchors and live coverage during the drive itself. In 2003, the drives resulted in over 650 donations and earned Univision the 2003 Life Giver Award – Community Support By A Media Group from the Texas Gulf Coast Blood Center. In December 2003, Diana Torres, a young girl living in the San Antonio community, was desperately in need of a liver transplant. KCOR-FM, Comfort, Texas, sponsored a fundraiser with the help of local bands to raise money to assist her and her family.

Univision stations also focus on more general public health and safety issues in their communities. WLTW(TV) in Miami airs PSAs emphasizing the importance of child car seat safety followed by an on-air announcement that free car seat safety checks will be provided by the station and a business sponsor and then providing the time and location. KINV(FM), Georgetown, Texas sponsored and promoted the “Texas Round-up,” an initiative by the state of Texas to promote physical fitness and encourage healthy choices. The station aired promotions and was present at the event to encourage its listeners to participate in this well-being program.

The Governor of Texas thanked the station for its support.<sup>12</sup> KQMR(FM) Indian Springs, Nevada sponsored Kids Kitchen, a local non-profit organization that provides a free breakfast and lunch to underprivileged children during the summer school break. The station runs hundreds of PSAs to promote the program and its station mascot hosts many of the breakfasts.

KQMR(FM) also hosts a monthly seminar with the Latin Chamber of Commerce in which it provides information on how listeners can start their own business. In conjunction with the monthly seminars, the station airs public service announcements to educate listeners about the opportunities and services provided by the Chamber of Commerce.

Suffice it to say that the ways in which Univision stations are connected to their communities are numerous and complex. More importantly, they are different in each community, as the needs of each community are different. Any regulatory effort aimed at codifying the magic of that unique relationship is doomed to failure, and may do much harm in the process.

**B. Mandatory Programming Edicts Are Harmful to the Public Interest, as They Limit a Station's Ability to Serve the Actual Needs of Its Community in Favor of a Federal Government "One Size Fits All" Approach That Actually Fits None**

It is the diverse and far-ranging efforts described above, each adapted to the needs of a station's particular community, that have for many decades made local broadcast stations a respected community resource. Efforts to "enforce" such behavior through regulation are severely misguided, as the most valuable service a broadcaster can provide its community—being a good community citizen and having an intimate connection to every aspect of the community—are beyond the ability of any regulation to achieve. Efforts to create such behavior

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<sup>12</sup> Letter from Rick Perry, Governor of Texas to Mr. Chris Chappell, 107.7 La Invasora (May 19, 2004).

by regulation can serve only to restrict a broadcaster's flexibility to meet the needs of its particular community, while draining resources from productive community-enhancement efforts designed specifically for that local community. In such an environment, a station's resources must be expended on activities that might be useless to that particular community, merely so the broadcaster is able to check off the appropriate boxes in a form certifying compliance with a national regulation that has no bearing to any particular local community.

As can be discerned from the extensive and extremely varied list of activities described above, even within a single broadcast company like Univision—whose stations target a similar demographic in communities across the country—each station has developed a different approach to serving its community. As also can be discerned from the discussion above, broadcast stations need no additional regulatory prodding from the Commission to value the unique relationship they have with their community and to do all they can to enhance it. Attempting to disrupt a system of broadcast localism that is working quite well by seeking to impose a “national standard of localism”—an oxymoron to say the least—is a bad solution in search of a non-existent problem.

Respectfully submitted,

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